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REMARKS AND ARGUMENTS

Claims 1, 3, 5 and 10 are pending, of which claim 1 is the sole independent claim. No change has been made in the claims by this Response.

Claims 1, 3, 5 and 10 were rejected under 35 U.S.C. 103(a) as being unpatentable over Sonnabend (U. S. Pat. No. 4,384,096) or Gassenmeier *et al.* (U. S. Pat. Appl. No. 2001/0031714 A1). The final Office Action asserts that the polymers recited in the present claims "overlap in scope" with those of the references as to their constituent monomers, and that the prior art polymers "share the same structure and composition as those claimed." Applicants respectfully traverse the rejections.

The present claims recite "multi-stage emulsion polymers," i.e., polymers which are sequentially polymerized in stages during which different monomers are added (see p. 7, line 19 to p. 8, line 5). The claims recite a first stage which is "70-99 weight percent of an alkali soluble/swellable" polymer, and a second stage which is "1 to 30 weight percent of a more cross-linked" polymer. Neither of the references discloses or suggests any kind of multi-stage polymer, much less the particular first and second stages recited in the present claims.

Sonnabend discloses "an aqueous emulsion copolymer of" three types of monomers (Col. 2, lines 5-56). Nowhere in this description is there any suggestion of separate stages or varying monomer compositions during polymerization, and the polymer is referred to simply as a "copolymer" of the constituent monomers. Columns 6 and 7 describe copolymerization and copolymer properties, again without referring to stages or varying monomer composition. Blending of different copolymers is suggested at column 6, lines 61-64, but this refers to two separate polymers, not a single multi-stage polymer. Example 2 describes the "typical procedures" for preparation of the polymers, and lists a single "monomer mix" containing all of the monomers.

Likewise, Gassenmeier, et al. discloses copolymers without suggesting separate stages or varying monomer composition (paragraphs 60-61). The copolymer is made "by copolymerizing conventional basic monomers" of three types (paragraphs 186-189). No details are provided as to the polymerization process, and there is no suggestion anywhere of polymerization in separate stages. Therefore, neither reference can suggest the multi-stage polymers recited in the present claims, and Applicants respectfully submit that the invention as presented herein is patentable over the prior art of record.

Claims 1, 3, 5, and 10 were provisionally rejected for obviousness-type double patenting over claims 1 and 3-10 and 1, 3, 9 and 10 of copending Application Nos. 10/348,375 and 10/619,061, respectively (neither has been allowed to date). Applicants respectfully submit that none of the claims of the cited copending applications discloses or suggests the multi-stage polymers recited in the present claims, and that the provisional double patenting rejections should be withdrawn as well.

Applicants believe that the foregoing arguments have addressed the rejections. However, if the Examiner has any further objections to the application, Applicants respectfully request that the Examiner contact Applicants' undersigned attorney by telephone at (847) 649-3891 to discuss any remaining issues.

Respectfully submitted,



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